

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT # FPP-20-05
THE FORT
MAY 26, 2020

I. GENERAL INFORMATION

A. Project Description

The request is for preliminary plat approval of a three phase 14 commercial lot subdivision located at 135 Montana Highway 83, near Bigfork. The proposed subdivision would create 14 commercial lots, and be served by Bigfork Water and Sewer. Primary access to the lots would be from Montana Highway 83.

Project Personnel

i. Owner/Applicant

Tim and Sherrie Calaway
Richard and Nancy Whitiker
268 Chapman Hill Drive
Bigfork, MT 59911

ii. Technical Representative

Eric Mulcahy
Sands Surveying
2 Village Loop
Kalispell, MT 59901

Larsen Engineering
1370 Airport Road
Kalispell, MT 59901

B. Application Review Dates

1. Land Use Advisory Committee/Council

The Bigfork Land Use Advisory Committee (BLUAC) will conduct a public hearing on the proposed subdivision on May 28, 2019 at 4:00 P.M. via a teleconference meeting. Please check the Flathead County Planning and Zoning website under Board information and the agenda for details on how to participate in the hearing. http://flathead.mt.gov/planning_zoning/events.php A recommendation from the BLUAC will be forwarded to the Planning Board and County Commissioners for their consideration.

2. Planning Board

The Flathead County Planning Board will conduct a public hearing on the proposed subdivision on June 10, 2020 at 6:00 P.M. at the Trade Center Building at the Northwest Montana Fairgrounds located at 265 North Meridian Road, Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. This space is reserved for a summary of the Planning Board's discussion and recommendation.

3. Commission

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to June 29, 2020 which is the end of the 60-working day statutory review period. This space will contain an update regarding the Flathead County Commission review of the proposal.

II. ADMINISTRATIVE CHARACTERISTICS

A. Legal Description and Detailed Location of Subject Property

The subject property is 10.003 acres total in size and is located at 135 Montana Highway 83, Bigfork, MT and can legally be described as Tract 2CC in SE4SW4 of Section 13, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

Figure 1: Aerial of subject property highlighted in green



B. Subdivision Layout Detail-

1. Total Subdivision Acreage:	10.003 acres
2. Acreage in Lots (spaces):	9.164(n) acres
3. Acreage in Roads:	0.839 acres
4. Total Park/Common Area/Open Space Acreage:	0.0 acres
5. Minimum Lot Size:	0.328 acre
6. Maximum Lot Size:	1.975 acres
7. Overall Gross Lot Density:	1 unit per 0.71 acres

C. Current Land Use and Zoning

The property is currently in agricultural use and does not contain any 100-year floodplain.

D. Proposed Land Use

The proposed The Fort three phase subdivision would create 14 commercial lots with lot sizes between 0.328 acres and 1.975 acres. The lots are planned to be served by Bigfork Water and Sewer. As stated in the Environmental Assessment (EA), *"The development will be commercial/mixed use and will comply with the B-3 zoning designation applied to the property. There are 14 lots within the proposed subdivision. The Fort will be developed in three phases as flows:*

Phase 1

Lots 1 and 2 – construct the east west road along the northern property boundary of Lots 1 and 2. Construct all associated water, sewer, and stormwater utilities/facilities.

Phase 2

Lots 3, 4, 5 & 6 – construct the road along the east side of Lots 2 and 6 and construct the east west road between phases 1 and 2 to create a loop road. Construct all associated water, sewer, and stormwater utilities/facilities.

Phase 3

Lots 7 – 14 – Construct the road along the east side of lots 10 and 14 to create the last loop out to Highway 35. Construct all associated water, sewer, and stormwater utilities/facilities."

Figure 2: Phasing Plan

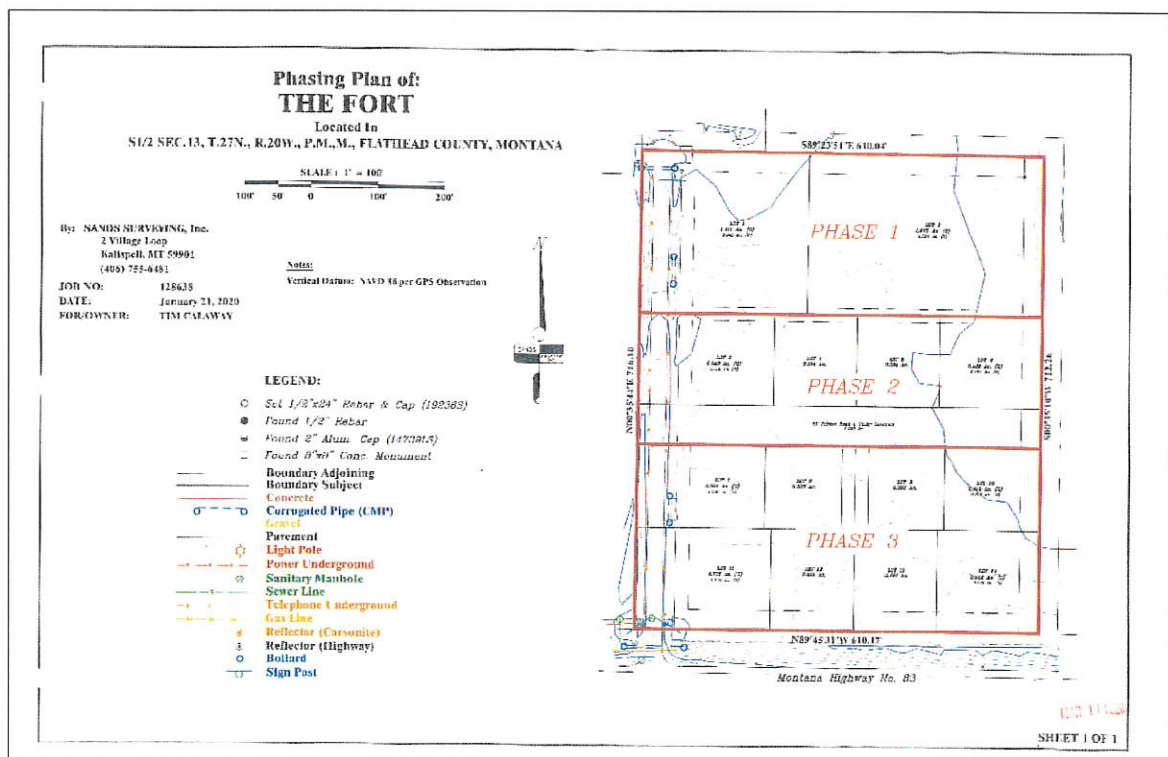
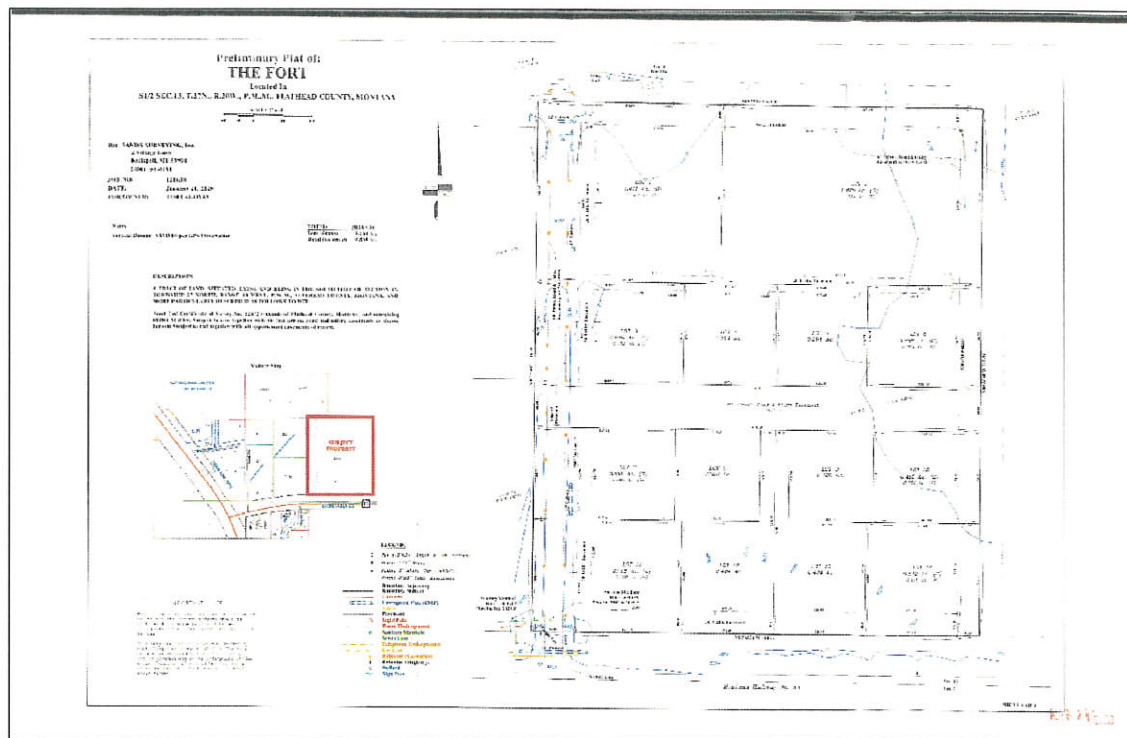


Figure 3: Proposed Preliminary Plat



E. Previously Considered Subdivisions in Area

Subdivision Name (year approved)	Type	Total Lots	Average Lot Size
Swan Junction	Commercial	4	1.81 acres
Flathead Swan Jct. 2 (Amended 2019)	Commercial	2	12.8 acres
Flathead Swan Jct. 3 (1994)	Commercial	3	5.0 acres
Flathead Swan Jct. 4 (Amended 2000)	Commercial	3	3.3 acres
Flathead Crossing #1 (Amended plat of Flathead Swan Jct. 4 2004)	Commercial	2	1.1 acres
Flathead Crossing #2 (Amended plat of Flathead Swan Jct. 4 2004)	Commercial	3	0.8 acres
Jewel Basin Plaza (2006)	Commercial	16	0.6 acres
Singers Corner Addition	Commercial	2	1.2 acres

Figure 4: Area subdivisions, subject property outlined in red.



F. Utilities and Services

1. **Water** – Bigfork Water and Sewer
2. **Wastewater** – Bigfork Water and Sewer
3. **Electricity** - Flathead Electric Cooperative
4. **Natural Gas** - Northwestern Energy
5. **Solid Waste** - Contract Haul – Allied Waste
6. **Telephone Service** - CenturyLink
7. **Fire District(s)** – Bigfork
8. **Police** - Flathead County Sheriff

III. COMMENTS RECEIVED

A. Agency Comments

Referrals were sent to the following agencies on April 6, 2020:

- Flathead County Road Department
- Flathead County Solid Waste
- Flathead City-County Health Department
- Flathead County Weeds & Parks Department
- Bigfork Rural Fire District
- Montana Fish, Wildlife and Parks
- Montana Department of Natural Resources and Conservation
- Flathead Conservation District

- Flathead County Address Coordinator
- Bonneville Power Administration
- Montana Department of Environmental Quality
- Flathead County Sheriff
- Bigfork School District
- Montana Department of Transportation (MDT)

The following is a summarized list of agency comment received by the Planning Office as of the date of the completion of this staff report:

- Bonneville Power Administration
 - Comment: “At this time, BPA does not object to this request, as the property is located 7.75 miles away from the nearest BPA transmission lines or structures.”
- Flathead County Road and Bridge Department
 - Comment: “At this point the County Road Department does not have any comments on this request.”
- Flathead County Environmental Health Department
 - Comment:
 1. “The proposed subdivision is subject to review under the Sanitation in Subdivisions Act (MCA Title 76-4-1). The review will address potable water supply, wastewater treatment, storm water drainage, and solid waste disposal.
 2. This property lies outside Air Pollution Control Districts. Based on the proposal for smaller lots and commercial use, a Dust Control Plan is recommended to control fugitive dust created within the subdivision.”
- Montana Department of Transportation
 - Comment: “This proposal will require the owners to submit a new approach permit for the two accesses to be approved by the MDT. The approach permit will be reviewed through MDT’s systems impact analysis to determine any required mitigation measures.”
- Flathead County Solid Waste District
 - Comment: “The District requests that all new subdivisions use a private hauler to bring the solid waste to the landfill. Owner hauling of solid waste from the subdivision should not be the primary method of disposal. Republic Services is the (PSC) Public Service Commission Licenses hauler in this area.”

The following comments were included with the application.

- Bigfork Water & Sewer District
 - Comment: “Bigfork Water and Sewer District has received a request for a

will-serve/capacity letter for the subject property, which has been annexed into the boundaries of the District.

Each building must have its own water and sewer service connected to a District main. If this property is subdivided, connections must have direct access to an existing water and sewer main, or main extensions must be installed. All main extensions must be engineered, approved by the State and the District, and include easements supplied to the District.

Bigfork Water and Sewer District approves the water and sewer demand placed on the District.”

Public Comments

In accordance with Section 4.0.14 Flathead County Subdivision Regulations (FCSR), adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on May 20, 2020, legal notice will be published in the Daily Interlake on May 24, 2020, and notice of the proposal and public hearing will be physically posted onsite on May 20, 2020.

As of the date of the completion of this staff report, no written public comments have been received from the general public regarding the proposal. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing.

IV. LOCAL GOVERNMENT REVIEW

A. Review Criteria and Staff Findings

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed in Section 76-3-608(3) MCA and the review procedure outlined in Section 4.1 of the Flathead County Subdivision Regulations (FCSR), effective January 14, 2020.

1. Agriculture and Agricultural Water User Facilities

According to the Environmental Assessment, *“The property is and has been used for agricultural practices. However adjacent uses are beginning to convert to housing, commercial, and light industrial. The proposed mixed use development should have minor impacts on neighboring agricultural uses. For example Highway 83 separates the subdivision from the livestock pastures to the south. With the grain crops to the north, a condition could be placed on the proposed subdivision stating that the neighboring agricultural uses predate the development and dust and noise may be a by-product of the agricultural activity during certain times of the year.”* The property to the north and east of the subject property are owned by the applicant and are currently in agricultural production. The property to the south across highway 83 is in agricultural use as well. To the west is similarly zoned B-3 and R-1 with commercial uses along Highway 35. To the south is large lot undeveloped property. The proposed subdivision would likely have minimal impact on neighboring agricultural production as there are other existing commercial uses in close proximity and the acreage is not appropriate for large scale agricultural production.

There are no shared agricultural water works, canals, irrigation ditches, or pump houses on the property and the property is not located within an agricultural water district or area.

Finding #1 – There would be minimal impact on agriculture or agricultural water user facilities as a result of the proposed subdivision because while the property has been in agricultural production it is on the smaller size at approximately 10 acres, has no irrigation infrastructure on site, and is not in an irrigation district.

2. Water and Wastewater Services

The applicant is proposing the utilization of Bigfork Water and Sewer District for water and wastewater usage of the proposed subdivision. The EA states, *“Water supply to the new development will be provided by Bigfork Water and Sewer District (Bigfork). The property is presently situated within the boundaries of the Bigfork Water & Sewer District. There is an existing water main located on the south side of Montana Hwy. 83. Connection to the main south of Hwy. 83 will require boring a new main under Hwy. 83.*

“New 8-inch diameter or larger water mains will be connected to, extended into and through the project site to provide a looped water distribution network. The distribution network will supply fire hydrants located at strategic points determined by the Bigfork Fire Department and also feed individual service connections and domestic water meters to each lot.

“The applicant plans construction of a Pickleball and event center with parking on Lot 2. The event center can be used for events of up to 500 people and there will only be one manager. It is estimated that the event center could generate around 2,513 gallons per day (GPD) of domestic flow with a 500 person event. The other 13 lots do not have definite plans for development. Based on the types of uses allowed in the zoning, it is estimated that an acceptable flow for the other 13 lots would be around 750 GPD/lot. Therefore the total domestic flow would be $((13 \times 750 \text{ GPD}) + (2,513 \text{ GPD}/14 = 876 \text{ GPD} \times 14 \text{ lots} = 12,264 \text{ GPD}$. Summertime average usage, will require irrigation. Irrigated area is estimated to be as follows: 18,800 square feet (sf) for Lot 1; 20,000 sf for Lot 2; 7,500 sf for Lots 3-6; 5,900 sf for Lots 7-10; 13,000 sf for Lots 11-13; and 10,500 sf for Lot 14. Assuming 2” of irrigation per week requires a total of 25,272 GPD during the summer months. Therefore the total required domestic and irrigation demand during the summer months is $12,264 \text{ GPD (domestic)} + 25,272 \text{ GPD (irrigation)} = 37,536 \text{ GPD}...$

“The Bigfork Water System is a public water system regulated by the Montana Department of Environmental Quality. The District monitors the quality of its water regularly. Water delivered to the customers of the Bigfork water system meets the water quality standards of MT DEQ in all respects. The Bigfork water distribution system is a looped network of pipes ranging in size. Connection to the Bigfork system will be made by connecting to an existing water main south of Hwy. 83. The existing water mains of the Bigfork system were constructed in accordance with DEQ requirements to provide minimum flow requirements for domestic and fire flows. Minimum allowable pressure with full domestic flow is 35 psi and minimum pressure with full fire flow is 20 psi. Fire flow requirements for the subdivision will be determined with consultation

with the Bigfork Fire Dept. The new water system for this application is a series of looped water mains that will be designed to meet minimum pressure requirements for both fire and domestic flow.

“The new water system will be designed and installed in conformance with Bigfork Water & Sewer District design standards and MT DEQ Circular 1 for Public Water Systems, and Montana Public Works Standards Specifications. Construction criteria are public works grade, equal in quality to the rest of the Bigfork water distribution system.”

According to the applicant, any water rights associated with the property will be severed and potentially relocated on-site or transferred to a neighboring property.

Concerning sewage disposal and system according to the EA, *“A network of gravity sewage collection and pressure force mains, will be installed to collect sewage from individual lots. E-one low pressure sewage pumps will be used on some of the lots to pump sewage into the gravity mains for The Fort. Sewage will be conveyed to an existing Bigfork Water & Sewer District sewer main. Wastewater from the Bigfork system is pumped by a series of lift stations to the Bigfork Wastewater Treatment Facility for treatment and disposal. The applicant plans construction of a Pickleball and event center with parking on Lot 2. The event center can be used for events of up to 500 people and there will only be one manager. It is estimated that the event center could generate around 1,513 GPD of domestic flow with a 500 person event. The other 13 lots do not have definite plans for development. Based on the types of uses allowed in the zoning, it is estimated that an acceptable flow for the other 13 lots would be around 750 GPD/lot. Therefore the total domestic flow would be $((13 \times 750 \text{ GPD}) + (2,513 \text{ GPD}))/14 = 876 \text{ GPD} \times 14 \text{ lots} = 12,264 \text{ GPD}$. Based on the estimated 12,264 GPD for The Fort and a peaking factor of 4.5, the peak wastewater flow would be 38.3 gpm. The proposed method of sewage treatment and disposal is by the Bigfork wastewater treatment plan (TP). According to the Flathead Couth, DNRC Contract No. RRG-10-1440, SEWAGE TREATMENT IN THE FLATHEAD BASIN, for the Flathead Regional Wastewater Management Group (Ref. 1) a new wastewater treatment facility was constructed for the Bigfork Water and Sewer District in 2012. The system is a new Membrane Bioreactor (MBR) system with UV disinfection of the final effluent. According to Ref.1, the MBR system was selected ‘...due to low effluent limits (especially for nutrients) anticipated in future permits, the fact that MBRs to provide the most treatment capacity per unit area compared to other technologies, and the MBR option was the most cost effective solution for Bigfork.’ The new MBR facility has been designed to handle year 2030 projected annual average wastewater flow of 0.69 mgd with a maximum daily flow of 1.26 mgd and a peak hourly flow of 1.38 mgd.”*

The Flathead City-County Health Department has stated, “The proposed subdivision is subject to review under the Sanitation in Subdivisions Act (MCA Title 76-4-1). The review will address potable water supply, wastewater treatment, storm water drainage, and solid waste disposal.”

The applicant has submitted with the application a will-serve/capacity letter from Bigfork Water and Sewer District which states, “Bigfork Water and Sewer District has

received a request for a will-serve/capacity letter for the subject property, which has been annexed into the boundaries of the District.

“Each building must have its own water and sewer service connected to a District main. If this property is subdivided, connections must have direct access to an existing water and sewer main, or main extensions must be installed. All main extensions must be engineered, approved by the State and the District, and include easements supplied to the District.

“Bigfork Water and Sewer District approves the water and sewer demand placed on the District.”

Finding #2 – The subdivision will have minimal impact on water and wastewater because the subdivision will utilize the Bigfork Water and Sewer District for both water and sewer which has met the MDEQ requirements, has also provided a will serve/capacity letter for the proposed subdivision from the Bigfork Water and Sewer District and the subdivision will be subject to review from the Flathead City-County Environmental Health Department.

3. Solid Waste Disposal

The EA states, *“The subdivision will use a contract hauler for refuse collection and hauling. The landfill is located along U.S. Highway 93 about 20 miles northwest of the subject property.”*

The Flathead County Solid Waste District commented, “The District requests that all new subdivisions use a private hauler to bring the solid waste to the landfill. Owner hauling of solid waste from the subdivision should not be the primary method of disposal. Republic Services is the (PSC) Public Service Commission Licenses hauler in this area.”

Pursuant to Section 4.7.22 FCSR the applicant should be required to meet the requirements of the Flathead County Solid Waste District.

Finding # 3 – Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management.

4. Roads

It is anticipated the subdivision will utilize as primary access Highway 83 then the existing access to the Flathead County Green Box site. Lots 1 and 11 will utilize this existing access while the remainder of the lots will use the proposed internal subdivision roads all located within 60 foot easements. The Fort is a proposed three phase subdivision which includes the development of the internal access roads phased as well. The timelines for phasing indicated in the application are, **“Phase 1 - Lots 1 and 2 – construct the east west road along the northern property boundary of Lots 1 and 2. Construct all associated water, sewer, and stormwater utilities/facilities. Phase 2 - Lots 3, 4, 5 & 6 – construct the road along the east side of Lots 2 and 6 and construct the east west road between phases 1 and 2 to create a loop road. Construct all associated water, sewer, and stormwater utilities/facilities. Phase 3 - Lots 7 – 14 –**

Construct the road along the east side of lots 10 and 14 to create the last loop out to Highway 35. Construct all associated water, sewer, and stormwater utilities/facilities."

The EA submitted with the application states, "The Fort subdivision will develop a road system to provide legal access to all lots. The internal looped road system will be designed and paved to Flathead County Road Standards throughout. The looped subdivision road has two approaches onto Highway 83...All lots will have access to the local interior road system. Lots 1 and 11 will access the local road that also accesses the Green Box site and the mini storage development to the north. The Green box access is paved to County standards and provides local access to the subject site as well as some of the neighboring parcels."

Concerning approaches, the application indicates, "We have been in contact with James Freyholtz, PE of the MDOT. The western approach into the subdivision is in place and serves the County Green Box site, mini-storage and this site. The eastern approach is currently just an agricultural approach. According to Mr. Freyholtz both approaches will need to go through the Systems Impact Review with the MDOT Helena Office."

Regarding the Average Daily Traffic (ADT), the EA states, "Because of the commercial nature of the proposed subdivision the applicant engaged a Traffic Engineer, Abelin Traffic Services, to conduct a Traffic Impact Study for the subdivision. According to the TIS, in 2018, Highway 83 carried 5400 vehicle trips per day. In that same year 2018, last date of MDOT traffic counts, Highway 35 carried 8,600 vehicle trips per day...The owners/developers will be responsible for construction of the new road system within subdivision. The future Subdivision Owners Association will be responsible for long term maintenance of the interior subdivision roads...the 14 lots within the subdivision could potentially generate 364 vehicle trips per day to the adjacent roadways which calculates to a 2 to 3% increase in vehicles. Of course the B-3 zoning designation has a very diverse land use list and the traffic generated could vary widely. We have to make some assumptions based on nearby uses which are primarily small office/service business or light industrial uses such as storage and contractor offices. The TIS shows that at buildout using these assumptions, the neighboring intersections will continue to function at A and B levels of Services at the Peak Hours. The TIS also indicated that there may or may not be warrant for a left hand turn lane into the green box site with the addition of this subdivision. As Highway 83 is a Montana Department of Transportation (MDOT) roadway, the MDOT will be the ones to review the TIS numbers and make any decision through their System Impacts analysis. As stated in the TIS there are factors such as speed limit signage and available right-of-way to consider in determining additional turn lanes...The Green Box Access is a paved County maintained road. Highway 83 is paved and maintained by the Montana Department of Transportation. The commercial subdivision is not expected to overburden the neighboring County road. The proposed subdivision will pay county taxes some of which will be used for maintenance of the existing county road system. Roads within the development will be the responsibility of future Homeowners Association...The new roads within the subdivision will be privately maintained by The Fort Owners Homeowners Association. Maintenance includes

annual duties such as snow removal as well as long term duties such as asphalt repair and overlays. Flathead County maintains and removes snow from Green Box access."

Staff agrees with the EA that it is anticipated the proposed subdivision would result in a possible total of up to 364 daily vehicle trips. The latest traffic counts taken by MDT for Highway 83 0.5 miles from the intersection of Highway 35 in 2018 indicate the annual average daily traffic (AADT) was 4,364. The addition of 364 ADT for the proposed subdivision would increase traffic on Highway 83 by 0.8%. No traffic counts were available for the access road to the Green Box site.

Finding #4 – The road system appears to be acceptable because the primary access points would be from Highway 83 which is a paved two-lane MDT maintained highway and internal subdivision roads constructed to Flathead County Road and Bridge Standards, and the potential increase for Highway 83 is 0.8 %.

5. Schools

The property is located in the Bigfork School District. According to the EA, *"As there will be no or very few children generated by the proposed subdivision, we did not contact the School District for comment. Looking at the subdivision from a taxation standpoint, commercial activity generated substantially more tax revenue for the school district than residential development and as no children would likely be generated from this development, the impact should be viewed favorably for the School District."*

The establishment of 14 commercial lots utilized for commercial uses with this proposed subdivision would not lead to any potential school aged children. Duplex and multi-family dwellings as well as resort dwellings are conditional uses in the B-3 zoning designation. These uses would require Conditional Use Permit review which will take into account issues such as access and traffic. While an agency referral was sent to the Bigfork School District, the office has received no comments from the school district at the time of writing this report.

6. Mail Delivery

The developer will be required to submit plans for review and written approval from the local postmaster as a condition of preliminary plat approval.

7. Recreation

The application states, *"As this is a commercial subdivision, parkland dedication is not required by state law or the Flathead County Subdivision Regulations. Should a residential component happen with the subdivision. (the) recreation feature would be reviewed at that time."*

As the proposed subdivision is commercial in nature, parkland dedication is not required.

The Flathead County Trails Plan designates Highway 83 as a potential trail site in the future. Although there is not a designated easement for a future bike/pedestrian trail on the preliminary plat it will be conditioned to be clearly marked on the final plat.

Finding #5 – Adverse impacts on schools, mail delivery and recreation are not anticipated as a result of the proposal subdivision because the mail box site will be

required to be approved by the local postmaster, the proposal has the potential to add no school children, a 15 feet wide bike/pedestrian easement will be required to be clearly marked on the final plat and no parkland dedication is required.

8. Fire/Emergency Medical Services

The site is located within the Bigfork Fire Service Area and a fire station is located approximately 2.6 road miles south of the subject property. The subject property is located within the Wildland Urban Interface (WUI), however is not in a High County Wide Priority Area or Fire District Priority Area.

The EA states, *“The proposed subdivision is within the Bigfork Volunteer Fire District. The fire station is located on Highway 35 approximately two miles south of the proposed subdivision. The subdivision access is designed to County Standards and the development will install fire hydrants throughout the project.”*

Although an agency referral was sent to the Bigfork Rural Fire Department, they did not submit comment on this proposal.

Concerning Ambulance/Medical services, the EA indicates, *“Ambulance service is provided by the Bigfork Volunteer Fire Department which has a station located two miles south of the subdivision on Highway 35. Evergreen provides ambulance service with EMT trained personnel and lifesaving equipment.”*

9. Police Services

The proposed subdivision is located in a rural area of Flathead County and will be served by the Flathead County Sheriff's Department. Although the combination of existing staff levels, shift rotations, size of the county, and the dispersed nature of the population may affect response times, the property's relative distance from the Flathead County Sheriff's Office in Kalispell should not lead to delayed response times in the event of an emergency.

Finding #6 – Impacts on fire/medical and police services would be minimal with standard conditions because the lots within the proposed subdivision would be served within an acceptable response time by the Bigfork Fire Department and Flathead County Sheriff's Department in the event of an emergency, and the property while located in a Wildland Urban Interface is not located in a County District Priority Area or Fire District Priority Area.

10. Impact of Noise

While noise and vibration will likely result from construction of a structures on the proposed lots, these impacts will be limited in duration and should not negatively impact the surrounding area. No noise beyond what is typical for the existing commercial area is anticipated as a result of the proposed subdivision.

11. Air Quality

According to the application, *“All subdivision roads within the project will be constructed and paved to County Standards. The access to the Green Box site is paved. All of the roads within the development will be privately owned and maintained. Watering of disturbed areas and tracking pads will be incorporated into the construction contract to lessen the potential of fugitive dust during construction of the subdivision.”* While an initial increase in dust is anticipated with the expansion and

construction of roads and the construction of structures, no permanent decrease in air quality is expected with this proposal. The applicant has submitted a “Dust Control Plan” compliant with Section 4.7.14 FCSR. A note will be required to be placed on the face of the final plat that requires the owners of all lots abide by the guidelines set forth in the plan during and after site construction and development activities.

Finding #7 - Adverse impacts to air quality and noise are not anticipated with standard conditions as all roads accessing the subdivision are already paved, new roads will be paved, a Dust Abatement Plan was provided to mitigate potential issues of dust during construction, and impacts of noise are not expected to exceed existing commercial noise levels in the area.

12. Soils

The applicant states in the EA, *“The proposed development is located in an area of almost flat vacant ground. There is only four feet of vertical relief on the 10 acre site...The proposed subdivision is currently undeveloped...the property is mapped by the 1960 Upper Flathead Valley Soils Survey and it identifies three soil types; Blanchard loamy fine sand, 3 to 7% slope percent slopes (Bo) a Class IV es-1 soil; Flathead Fine sandy loam, 3 to 7% (Fb) a Class Ies-1 soil and Haskill fine sand, 7 to 12% (Hm) a Class Vies-1 soil...Soils are classified as Fb (Flathead fine sandy loam, 3 to 7%) for the majority of property. A small portion of the property is classified as Hm (Haskill fine sand, 7 to 12 percent slopes). Depth to water table is estimated to be more than 80 inches for both soil types. These soils are suitable for development using conventional construction techniques.”*

According to NRCS soils data, the soils on the approximate property are comprised of 3 soils.

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI	Farmland Classification	Natural Drainage Class
Bo	Blanchard loamy fine sand, 3 to 7 percent slopes	0.2	1.3%	Not prime farmland	Excessively drained
Fb	Flathead fine sandy loam, 3 to 7 percent slopes	15.6	96.1%	All areas prime farmland	Well drained
Hm	Haskill fine sand, 7 to 12 percent slopes	0.4	2.6%	Not prime farmland	Somewhat excessively drained

The soils are a mix of soils classified as not prime farmland and prime farmland and are well drained, somewhat excessively drained and excessively drained. A majority of

the property contains soils classified as prime farmland and while the preservation of farmland is valuable to maintaining the food supply, Flathead County currently lacks mechanisms to help keep farmland in production. Other areas in the nation employ such means such as Transfer of Development Rights to incentivize the viability of agricultural production.

13. Stormwater

According to the EA, *“The storm drain system for The Fort consists of two components as follows:*

- *The first component of the storm drain system is for the subdivision roadway system. The storm drain system will consist of roadside ditches along the subdivision roadways that will convey storm water to catch basins with 3,000 gallon septic tank catch basins. Storm water will be conveyed by piping from the catch basin tank to cobble rock infiltration/retention beds, wrapped in engineering fabric, located in the subdivision road right of way. The storm water infiltration/retention beds will be designed to handle the 100 year-24 hour storm event based on Montana Department of Environmental Quality (DEQ), Circular DEQ-8 requirements.*
- *The second component of the storm drain system is for the individual lots located in the subdivision. The storm drain system for the individual lots will consist of storm drain infiltration/retention basins constructed in appropriate locations to handle the 100 year – 24 hour storm event based on Circular DEQ-8 requirements.”*

Finding #8 – The soils on the subject property appear to be acceptable for water and sewer needs and stormwater management because the subdivision will utilize Bigfork Water and Sewer and stormwater is required to be reviewed and approved by MDEQ.

Finding #9 – The soils on the subject property do not appear acceptable for commercial development because over 90% of the property is classified as ‘All areas prime farmland’ however Flathead County currently lacks mechanisms to maintain prime farmland in agricultural production.

14. Geologic/Avalanche Hazards

The EA addresses geologic constraints and possible hazards in the following way, “The proposed development is located in an area of almost flat vacant ground. There is only four feet of vertical relief on the 10 acre site. There is no danger of rock slides, mud slides, or avalanche on the property. The property is not located on a geologic fault line.”

Finding #10 – No impacts from geological and avalanche hazards are anticipated because the property is relatively flat, not located on a geologic fault line and no geologic hazards are present.

15. Flora

The subject property is currently in unirrigated agricultural use.

With staff’s search of the Montana Natural Heritage Program there are 7 species of concern in the general area, Howell’s Quillwort, Straightbeak Buttercup, Bristly Sedge,

Panic Grass, Giant Helleborine, Guadalupe Water-nymph and Columbia Water-meal. The Straightbeak Buttercup, Bristly Sedge, and Giant Helleborine live in wetland/riparian areas while the Guadalupe Water-nymph and Columbia Water-meal live in aquatic habitats. Neither of these habitats exist on the subject property.

According to the EA, included in the species of concern for flora are the *“Straightbeak Buttercup, Giant Hellebrone, and Panic Grass. The buttercup, Helleborine and panic grass like wet or moist soils more associated with the Flathead River corridor to the west or the pothole lakes to the east.”*

The prevention of noxious weeds is particularly important with regard to construction and development. According to the applicant, *“The property is in productive agriculture and managed for weeds. In addition the public road to the west that is located on the applicants’ property is the access to the County Green Box site and this road easement is also sprayed for weeds. With the conversion of the property to a commercial/mixed use scale subdivision, what is not covered by roof and asphalt, will be seeded with grass and mowed on a regular basis.”* Pursuant to Section 4.7.25 FCSR, an approved weed control management plan, applicable to all lots, will be required as a condition of final plat approval.

16. Riparian/Wetland Areas

The EA states, *“The property does not have any natural water systems and is not located adjacent to any natural water systems such as streams, lakes, ponds, rivers or marshes.”*

There are no mapped riparian or wetland areas on the subject property.

Finding #11 – No impacts to the flora and riparian/wetland area are anticipated because the property is currently in agricultural use, there are no mapped riparian or wetlands on the subject property, and an approved weed management plan by the Flathead County Weed Board was submitted with the application.

17. Floodplain

The subject property according to FEMA FIRM Panel 30029C 2305J is in unshaded Zone X, an area determined to be outside the 0.2% annual chance flood hazard.

Finding #12 – The proposal would not introduce adverse impacts to public health and safety in regard to flood risk because the property is located in an unshaded zone X area determined to be outside the 0.2% annual chance flood hazard.

18. Wildlife and Wildlife Habitat

Given the current agricultural use of the subject property, impacts as a result of the proposed subdivision to wildlife are expected to be minimal. A search conducted by staff of the Montana Natural Heritage Program identified this general area of the County may be frequented by 12 species of concern. There are three mammal species, the Hoary Bat, Little Brown Myotis (bat), and Grizzly Bear. Six birds, the Brown Creeper, Cassin’s Finch, Evening Grosbeak, Great Blue Herron, Pileated Woodpecker, and Common Tern. There are three species are fish, the Westslope Cutthroat Trout, Pygmy Whitefish and the Bull trout. The subject area does not contain lakes so the species of fish would not likely be affected by the development as well as the birds who inhabit conifer forests and large rivers and lakes.

According to the EA concerning Wildlife and Wildlife Habitat, “Whitetail deer and birds of prey are known to visit the property. Other species of wildlife that use the site including; raccoon, coyote, other small mammals, and a diversity of passerine birds. The property is not grizzly bear or other large predator habitat. The Montana Heritage Program (MHP) provided a search of its records of Species of Concern (SOC) for a nine-plus square mile area around the proposed subdivision site. According to the Montana Heritage Program, there are fourteen species of concern sighted in broad search location. The species listed are the Great Blue Heron, Bull Trout, Westslope Cutthroat Trout, Pygmy Whitefish, Evening Grosbeak, Bald Eagle, Pileated Woodpecker, Little Brown Myotis (Bat), Cassin’s Finch, Brown Creeper, Grizzly Bear, ...The Great Blue Heron have been documented near the subdivision in farm fields which offer some foraging area but not ideal habitat. The Flathead River is approximately one and a half miles to the west Johnson Lake is approximately 0.6 miles to the east. The Flathead River provides the habitat for the fish species and this subdivision has no direct drainage or impact to the river. The river and the nearby pothole lakes provide habitat and food for the bald eagles and the Heron. The Little Brown Myotis are located in the forested and rock bluffs areas along the river. The subdivision has neither river frontage or rock outcroppings. The Grosbeak, woodpecker, finch and creeper all like forested areas of which there are none on the subject property. the grizzly bear may wander along the riparian areas of the river and in the foothills of Swans but there are no food or habitat resources on the subject property that would attract the Grizzly bear unless you count the neighboring Green Box site...”

While Montana Fish, Wildlife and Parks was sent an agency referral, no agency comment has been received as of the date of this report.

Finding #13 – Adverse impacts on wildlife and wildlife habitat are not expected as a result of the proposed subdivision because the property is currently in agricultural use and not conducive to the species of concern habitat and Montana Fish, Wildlife and Parks did not comment on the proposal.

19. Historical Features

The Environmental Assessment indicates there are no known historic, paleontological, archeological, or cultural sites, structures, or objects on the subject property. It also states, “The subject property is void of any structures. The property has only been used for pasture. SHPO was contacted for comment on the subdivision. SHPO has no record of any historical or culturally significant use on the subject property.”

20. High Voltage Electric Lines/High Pressure Gas Lines

There are no high pressure gas lines or high voltage electrical lines on the subject property. Comments received from the Bonneville Power Administration state, “At this time, BPA does not object to this request, as the property is located 7.75 miles away from the nearest BPA transmission lines or structures.”

21. Airport Influence Areas

The subject property is not located within a public Airport Influence Area.

Finding #14 – The proposal does not appear to have an impact on historical features, high voltage electric lines, or high pressure gas lines because there are no known historical features and the property is not located near high voltage electric lines or high pressure gas lines.

Finding #15 –The proposal does not appear to have an impact on the airport influence area because the proposal is not within a public Airport Influence Area.

B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.

Finding #16 – The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

C. Compliance with the Flathead County Subdivision Regulations and Review Procedure

1.Requested Variances

The applicant is not requesting any variances with this proposal.

Finding #17 - No variances are requested or required. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective January 14, 2020 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions.

2. Flathead County Subdivision Review Procedure

i. Pre-application Conference Date

None

ii. Application Deadline Date (6 months from pre-application)

N/A

iii. Application Submittal Date

March 11, 2020

iv. Completeness Date

March 16, 2020

v. Sufficiency Date

April 3, 2020

vi. Agency Referral Requests Mailing Date

April 6, 2020

vii. Adjacent Property Notification Mailing Date

May 20, 2020

viii. Legal Notice Publication Date

May 24, 2020

ix. On-site Posting of Public Hearing Date

May 20, 2020

Finding #18 – The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 3, 2018.

D. Provision of Easements for the Location and Installation of Planned Utilities

According to the EA, *“All utilities are available and will be extended underground to the individual spaces/lots. If approved, the applicant expects to go to construction of the infrastructure during the 2020 construction.”*

Finding #19 – The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

E. Provision of Legal and Physical Access to Each Parcel

Finding #20 – Highway 83 would provide legal and physical access via the unnamed access road to the Flathead County Green Box Site and by the unnamed internal subdivision roads to be built in three phases within 60 feet easements.

F. Review of Applicable Plans

76-1-605(2)(b) M.C.A. states that *A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.* Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

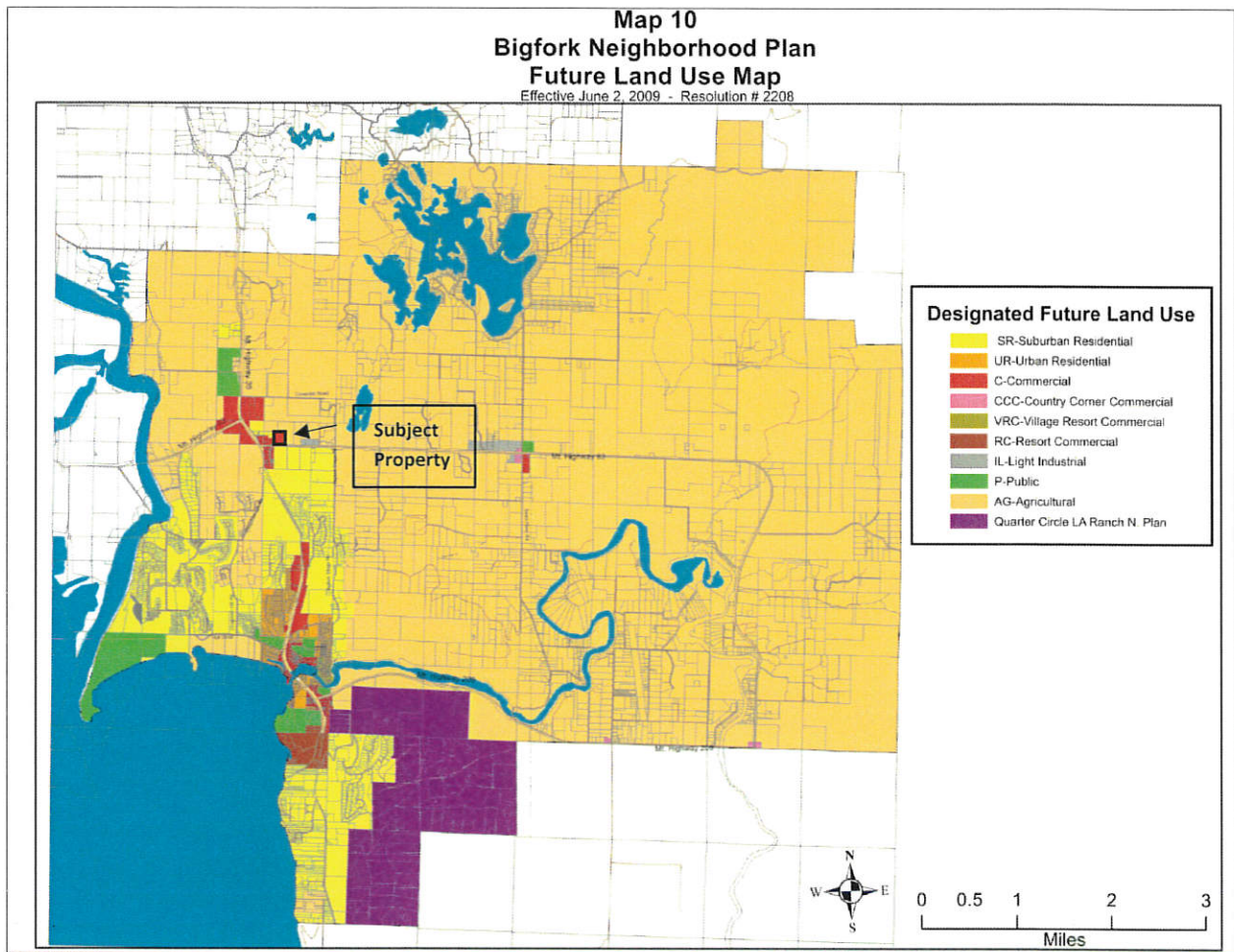
1. Neighborhood Plan

The proposed subdivision is located within the Bigfork Neighborhood Plan. The plan was adopted by the Flathead County Commissioners on March 19, 2007 and incorporated into the Flathead County Growth Policy as a recognized neighborhood plan document serving this area of the County. The Designated Land Use Map adopted as part of the plan document designates appropriate land use on the subject property as ‘Commercial.’ ‘Commercial’ is described as allowing, “for higher density retail and commercial uses and includes shopping centers, banks, restaurants, professional businesses and office centers. These districts should be developed as nodes and not in “strip” commercial patterns. Development would be in areas with public or community sewer systems.”

The proposed subdivision would allow for additional commercial uses in an area zoned B-3 along the highway and the development is served by the Bigfork Water and Sewer District.

Concerning the property’ location and the Bigfork Neighborhood plan the applicant states, *“The property is located within the boundary of the Bigfork Neighborhood Plan which was adopted by Flathead County in 2009. The Bigfork Area Land Use Map identifies the subject property as Commercial. The resulting zoning for the property is B-3 (Community Business).”*

Figure 5: Bigfork Neighborhood Plan Future Land Use Map



2. Flathead County Growth Policy

The Flathead County Growth Policy is a general policy document that meets the requirements of 76-1-601, MCA and was updated on October 12, 2012. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy. This proposal conforms to the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

Finding #21 – The proposal is in general compliance with the Bigfork Neighborhood Plan and is generally consistent with the Flathead County Growth Policy.

G. Compliance with Local Zoning

As previously stated, the proposed subdivision is located in an area of Flathead County zoned presently with B-3 Community Business. The proposed subdivision will comply with the permitted uses as well as the bulk and dimensional requirements of the B-3 zoning designation.

Finding #22 – The proposed subdivision is in compliance with local zoning because the current proposal complies with the B-3 zoning designation.

V. CONCLUSION

In accordance with the provisions of Section 4.2 of the Flathead County Subdivision Regulations, a review and evaluation of the first minor subdivision application has been completed by Planning and Zoning staff and forwarded to the Flathead County Commissioners for their consideration. The proposed subdivision appears to generally comply with the applicable design standards and subdivision review criteria found in Section 4.7 FCSR, pursuant to the Findings of Fact stated above.

Should the Flathead County Board of Commissioners choose to grant preliminary plat approval to The Fort, the draft conditions found in Exhibit B should be considered to supplement the decision and mitigate impacts anticipated as a result of the subdivision.

Planner: DV

FINDINGS OF FACT
SUBDIVISION REPORT # FPP-20-05
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1. There would be minimal impact on agriculture or agricultural water user facilities as a result of the proposed subdivision because while the property has been in agricultural production it is on the smaller size at approximately 10 acres, has no irrigation infrastructure on site, and is not in an irrigation district.
2. The subdivision will have minimal impact on water and wastewater because the subdivision will utilize the Bigfork Water and Sewer District for both water and sewer which has met the MDEQ requirements, has also provided a will serve/capacity letter for the proposed subdivision from the Bigfork Water and Sewer District and the subdivision will be subject to review from the Flathead City-County Environmental Health Department.
3. Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management.
4. The road system appears to be acceptable because the primary access points would be from Highway 83 which is a paved two-lane MDT maintained highway and internal subdivision roads constructed to Flathead County Road and Bridge Standards, and the potential increase for Highway 83 is 0.8 %.
5. Adverse impacts on schools, mail delivery and recreation are not anticipated as a result of the proposal subdivision because the mail box site will be required to be approved by the local postmaster, the proposal has the potential to add no school children, a 15 feet wide bike/pedestrian easement will be required to be clearly marked on the final plat and no parkland dedication is required.
6. Impacts on fire/medical and police services would be minimal with standard conditions because the lots within the proposed subdivision would be served within an acceptable response time by the Bigfork Fire Department and Flathead County Sheriff's Department in the event of an emergency, and the property while located in a Wildland Urban Interface is not located in a County District Priority Area or Fire District Priority Area.
7. Adverse impacts to air quality and noise are not anticipated with standard conditions as all roads accessing the subdivision are already paved, new roads will be paved, a Dust Abatement Plan was provided to mitigate potential issues of dust during construction, and impacts of noise are not expected to extend beyond property lines.
8. The soils on the subject property appear to be acceptable for water and sewer needs and stormwater management because the subdivision will utilize Bigfork Water and Sewer and stormwater is required to be reviewed and approved by MDEQ.
9. The soils on the subject property do not appear acceptable for commercial development because over 90% of the property is classified as 'All areas prime farmland' however Flathead County currently lacks mechanisms to maintain prime farmland in agricultural production.
10. No impacts from geological and avalanche hazards are anticipated because the property is relatively flat, not located on a geologic fault line and no geologic hazards are present.

11. No impacts to the flora and riparian/wetland area are anticipated because the property is currently in agricultural use, there are no mapped riparian or wetlands on the subject property, and an approved weed management plan by the Flathead County Weed Board was submitted with the application.
12. The proposal would not introduce adverse impacts to public health and safety in regard to flood risk because the property is located in an unshaded zone X area determined to be outside the 0.2% annual chance flood hazard.
13. Adverse impacts on wildlife and wildlife habitat are not expected as a result of the proposed subdivision because the property is currently in agricultural use and not conducive to the species of concern habitat and Montana Fish, Wildlife and Parks did not comment on the proposal.
14. The proposal does not appear to have an impact on historical features, high voltage electric lines, or high pressure gas lines because there are no known historical features and the property is not located near high voltage electric lines or high pressure gas lines.
15. The proposal does not appear to have an impact on the airport influence area because the proposal is not within a public Airport Influence Area.
16. The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.
17. No variances are requested or required. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective January 14, 2020 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions.
18. The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 3, 2018.
19. The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.
20. Highway 83 would provide legal and physical access via the unnamed access road to the Flathead County Green Box Site and by the unnamed internal subdivision roads to be built in three phases within 60 feet easements.
21. The proposal is in general compliance with the Bigfork Neighborhood Plan and is generally consistent with the Flathead County Growth Policy.
22. The proposed subdivision is in compliance with local zoning because the current proposal complies with the B-3 zoning designation.

**CONDITIONS OF APPROVAL
SUBDIVISION REPORT # FPP-20-05
THE FORT
MAY 26, 2020**

A. Standard Conditions

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626C. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Section 4.7.16(g)(iv) and 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The developer shall comply with reasonable fire suppression and access requirements of the Bigfork Fire District. A letter from the fire chief stating that the plat meets the requirements of the Fire District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b) FCSR] (Finding of Fact (FOF) 6)
3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25 FCSR] (FOF 10)
4. Design and construction of all internal subdivision roads shall be certified by a licensed engineer and constructed and paved as proposed in accordance with the *Flathead County Minimum Standards for Design and Construction*. [Sections 4.7.16, 4.7.17 FCSR](FOF 4)
5. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23 FCSR]
6. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed, approved, and permitted as applicable by the Flathead City-County Health Department, and approved by the Montana Department of Environmental Quality. [Sections 4.7.20 and 4.7.21 FCSR] (FOF 2 and FOF 8)
7. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the developer has met their requirements shall be included with the application for final plat. [Section 4.7.28 FCSR] (FOF 5)
8. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22 FCSR] (FOF 3)
9. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14 FCSR] (FOF 7)
10. All road names shall be approved by Flathead County and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the

house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]

11. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.23 FCSR]
 - c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14 FCSR]
 - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR]
 - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25 FCSR]
12. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i) M.C.A.]
13. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Flathead County Planning & Zoning office prior to final plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
14. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16 FCSR]
15. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13 FCSR] (FOF 17 & 18)
16. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

B. Project-Specific Conditions

17. The 15 foot easement for the bike and pedestrian path will be clearly marked on the final plat. (FOF 5)